

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

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FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

FRACTUS, S.A.,

v.

**ADT LLC d/b/a ADT SECURITY
SERVICES**

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**Civil Action No. 2:22-cv-00412-JRG
(Lead Case)**

Jury Trial Requested

FRACTUS, S.A.,

v.

VIVINT, INC.

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**Civil Action No. 2:22-cv-00413-JRG
(Member Case)**

Jury Trial Requested

P.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT

Pursuant to the Court’s Docket Control Order (Dkt. No. 41) and Local Patent Rule 4-3, Plaintiff Fractus, S.A. (“Fractus”) and Defendants ADT LLC and Vivint, Inc. (“Defendants”) hereby submit their Joint Claim Construction and Prehearing Statement. The claim construction hearing on January 18, 2024 is scheduled to address nine patents: U.S. Patents No. 7,471,246 (the “246 Patent”), No. 7,907,092 (the “092 Patent”), No. 8,456,365 (the “365 Patent”), No. 8,674,887 (the “887 Patent”), No. 8,738,103 (the “103 Patent”), No. 8,994,604 (the “604 Patent”), No. 10,135,138 (the “138 Patent”), No. 10,468,770 (the “770 Patent”), and No. 11,349,200 (the “200 Patent”).¹

¹ The term “Asserted Patents” means U.S. Patent Nos. 7,471,246; 7,907,092; 8,456,365; 8,674,887; 8,738,103; 11,349,200; 8,994,604; 10,135,138; and 10,468,770. ADT does not take a position on construction of claim terms, phrases, or clauses found in the patents that are not

I. P.R. 4-3(a) Agreed Claim Constructions

There are no agreed constructions.

II. P.R. 4-3(b) Proposed Constructions for Terms in Dispute

See Exhibit A for a chart showing the Parties' proposed constructions with intrinsic and extrinsic evidence supporting such constructions. All Parties reserve the right to rely upon any intrinsic or extrinsic evidence identified by any other Party, and any evidence obtained through claim construction discovery. In addition, each Party reserves the right to amend, correct, or supplement its claim construction positions and supporting evidence in response to any change of position by any other party, or for other good cause.

III. P.R. 4-3(c) Anticipated Length of Time for Claim Construction Hearing

The Parties propose that each side receive 90 minutes for oral argument on claim construction issues.

IV. P.R. 4-3(d) Anticipated Witnesses at the Claim Construction Hearing

No Party will call any live witnesses at the claim construction hearing. Fractus reserves the right to rely on the written expert testimony of Dr. Stuart Long. Defendants reserve the right to rely upon any expert testimony, evidence, or testimony of Dr. Stuart Long. Defendants reserve the right to object to any expert testimony proffered by Fractus that was not properly disclosed by the deadline of October 5, 2023 in accordance with P.R. 4-3(b) and the Court's Docket Control Order (Dkt. 41 at 4).

V. P.R. 4-3(e) Other Issues to be Addressed at Claim Construction Prehearing Conference.

Fractus respectfully suggests that the Court address its pending motion to compel (Dkt. 53) that was fully briefed as of July 12, 2023 (Defendants' responses, Dkt. 57 & 59).

asserted against it. Similarly, Vivint does not take a position on construction of claim terms, phrases, or clauses that are found in the patents that are not asserted against it.

Dated: October 5, 2023

Respectfully submitted,

By: /s/ Max L. Tribble

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on counsel of record via ECF on October 5, 2023.

By: /s/ Adam Tisdall
Adam Tisdall

Summary report: Litera Compare for Word 11.2.0.54 Document comparison done on 10/5/2023 3:01:38 PM	
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Intelligent Table Comparison: Active	
Original filename: CLEAN Fractus ADT_Vivint PR 4-3 Jnt Claim Construction Statement[1].doc	
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Embedded Excel	0
Format changes	0
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